

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 3568 of 2007(Y)

RCP.42/1996 of MUNSIFF COURT, KOCHI

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PETITIONER:

1. E.P.SAMUEL, S/O.E.V.PAILY,
EDACHERIL HOUSE, ANGAMALY.
2. VIJU PAILY, S/O.E.V.PAILY,
MUNDADAN HOUSE, ANGAMALY.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

1. THE COCHIN OIL MERCHANTS ASSOCIATION,
JEW TOWN, MATTANCHERRY, KOCHI-682 002.
2. M/S.ALLIED TRADERS, JEW TOWN,
KOCHI -2 REPRESENTED BY ITS PARTNER PAUL THOMAS
3. PAUL THOMAS, PARTNER,
M/S.ALLIED TRADERS, VI/180, JEW TOWN,
KOCHI-2,
4. JOSE THOMAS, S/O.LATE M.P.THOMAS,
PARTNER OF M/S.ALLIED TRADERS,
JEW TOWN, KOCHI-2.
5. CLARAMMA TOMY, W/O.TOMY GEORGE,
RESIDING AT PANDARAKALAM HOUSE,
CHEMPA ROAD, PONNUKARA P.O.
6. ALEYAMMA THOMAS, MUNDADAN HOUSE,
ANGAMALY.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ
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W.P.(C). NO. 3568 OF 2007

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Dated this the 1st day of February 2007

JUDGMENT

Abdul Gafoor,J

The contention by the writ petitioners who are admittedly judgment debtors, is that the landlord had given up the relief against them during the execution proceedings. But whether the landlord had sought for any further relief against them later is not disclosed in the original petition. Whatever that be, as there is an order of delivery passed in the execution, they have got a statutory remedy of revision in terms of the proviso to Section 14 of the Kerala Lease and Rent Control Act, 1965. Further if at all they have a case that the order has been passed against them, after the landlord had given up the relief against them, they could have approached for appropriate relief. Therefore, we find no reason to entertain this writ appeal. The writ appeal is dismissed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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